

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GREGORY BOWMAN-MATTHEWS,

Plaintiff,

-against-

Police Officer JOHN CZARNECKY, Shield No. 14636; and JOHN and JANE DOE 1 through 10, individually and in their official capacities (the names John and Jane Doe being fictitious, as the true names are presently unknown),

Defendants.
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COMPLAINT

15 CV 3259

Jury Trial Demanded

NATURE OF THE ACTION

1. This is an action to recover money damages arising out of the violation of plaintiff's rights under the Constitution.

JURISDICTION AND VENUE

2. This action is brought pursuant to 42 U.S.C. §§ 1983 and 1988, and the Fourth, Fifth, Sixth and Fourteenth Amendments to the Constitution of the United States.

3. The jurisdiction of this Court is predicated upon 28 U.S.C. §§ 1331 and 1343.

4. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 (b) and (c).

JURY DEMAND

5. Plaintiff demands a trial by jury in this action.

PARTIES

6. Plaintiff Gregory Bowman-Matthews (“plaintiff” or “Mr. Bowman-Matthews”) is a resident of the State of New York.

7. Defendant Police Officer John Czarnecky, Shield No. 14636 (“Czarnecky”), at all times relevant herein, was an officer, employee and agent of the NYPD. Defendant Czarnecky is sued in his individual and official capacities.

8. At all times relevant defendants John and Jane Doe 1 through 10 were police officers, detectives or supervisors employed by the NYPD. Plaintiff does not know the real names and shield numbers of defendants John and Jane Doe 1 through 10.

9. At all times relevant herein, defendants John and Jane Doe 1 through 10 were acting as agents, servants and employees of the City of New York and the NYPD. Defendants John and Jane Doe 1 through 10 are sued in their individual and official capacities.

10. At all times relevant herein, all individual defendants were acting under color of state law.

STATEMENT OF FACTS

11. At approximately 2 p.m. on March 26, 2015, Mr. Bowman-Matthews was a passenger in a subway car traveling on the A line from Manhattan into Brooklyn.

12. Without probable cause or reasonable suspicion to believe he had committed a crime or offense, a defendant officer that was also riding the subway, ordered Mr. Bowman-Matthews off of the train at the Avenue of the Americas and West Broadway in Manhattan station.

13. Mr. Bowman-Matthews complied and exited the train with defendant officers.

14. Defendants searched plaintiff, handcuffed him and took him to a precinct.

15. At the precinct the defendants falsely informed employees of the New York County District Attorney's Office that they had observed plaintiff occupy multiple seats on the subway car

16. At no point did the defendants ever observe Mr. Bowman-Matthews occupy multiple seats on the subway car.

17. Mr. Bowman-Matthews was eventually taken to Manhattan Central Booking, otherwise known as the "Tombs" where he was held for several more hours.

18. Plaintiff was eventually arraigned in New York County Criminal Court, where the criminal charges were immediately adjourned in contemplation of dismissal.

19. After approximately seven hours in custody, Mr. Bowman-Matthews was released.

20. Mr. Bowman-Matthews suffered damage as a result of defendants' actions. Plaintiff was deprived of his liberty, suffered emotional distress, mental anguish, fear, anxiety, embarrassment, humiliation, and damage to his reputation.

FIRST CLAIM
Unlawful Stop and Search

21. Plaintiff repeats and realleges each and every allegation as if fully set forth herein.

22. Defendants violated the Fourth and Fourteenth Amendments because they stopped and searched plaintiff without reasonable suspicion.

23. As a direct and proximate result of this unlawful conduct, plaintiff sustained the damages herein before alleged.

SECOND CLAIM

False Arrest

24. Plaintiff repeats and realleges each and every allegation as if fully set forth herein.

25. Defendants violated the Fourth and Fourteenth Amendments because they arrested plaintiff without probable cause.

26. As a direct and proximate result of this unlawful conduct, plaintiff sustained the damages hereinbefore alleged.

THIRD CLAIM

Denial Of Constitutional Right To Fair Trial

27. Plaintiff repeats and realleges each and every allegation as if fully set forth herein.

28. The individual defendants created false evidence against plaintiff.

29. The individual defendants forwarded false evidence to prosecutors in the New York County District Attorney's office.

30. In creating false evidence against plaintiff, and in forwarding false information to prosecutors, the individual defendants violated plaintiff's right to a fair trial under the Due Process Clause of the Fifth, Sixth and Fourteenth Amendments of the United States Constitution.

31. As a direct and proximate result of this unlawful conduct, plaintiff sustained the damages hereinbefore alleged.

FOURTH CLAIM
Failure To Intervene

32. Plaintiff repeats and realleges each and every allegation as if fully set forth herein.

33. Those defendants that were present but did not actively participate in the aforementioned unlawful conduct observed such conduct, had an opportunity prevent such conduct, had a duty to intervene and prevent such conduct and failed to intervene.

34. Accordingly, the defendants who failed to intervene violated the Fourth, Fifth, Sixth and Fourteenth Amendments.

35. As a direct and proximate result of this unlawful conduct, plaintiff sustained the damages hereinbefore alleged.

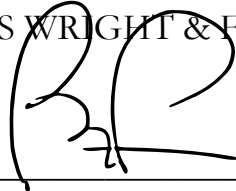
PRAYER FOR RELIEF

WHEREFORE, plaintiff respectfully requests judgment against defendants as follows:

- (a) Compensatory damages against all defendants, jointly and severally;
- (b) Punitive damages against the individual defendants, jointly and severally;
- (c) Reasonable attorneys' fees and costs pursuant to 28 U.S.C. § 1988; and
- (d) Such other and further relief as this Court deems just and proper.

Dated: June 4, 2015
New York, New York

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